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PTO/SB/21 (08-00)

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/713,994 |
| | Filing Date | November 16, 2000 |
| | First Named Inventor | James KEDDIE |
| | Group Art Unit | 1638 |
| | Examiner Name | David H. Kruse |
| Total Number of Pages in This Submission | Attorney Docket Number | MBI-0022 |

| ENCLOSURES (check all that apply) | | |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|---|---------------------------------|
| Firm or Individual name | David J. Kulik; Reg. No. 36,576 |
| Signature | |
| Date | May 16, 2002 |

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PATENT
Attorney Docket No.: MBI-0022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James KEDDIE

Appl. No.: 09/713,994

Filed: November 16, 2000

For: GENES FOR MODIFYING
PLANT TRAITS

Art Unit: 1638

Examiner: David H. Kruse

Commissioner for Patents
Washington DC 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant submits copies of the references listed on the attached PTO 1449 Form for consideration and request that the U.S. Patent and Trademark Office make them of record in this application.

Applicant states the following:

☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of Applicant(s) no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☒ In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action on the merits and/or within three months of the filing date of the application. It is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-1129.

☐ This Information Disclosure Statement is being submitted after the mailing of a non-final Office Action, but is believed to be prior to a final Office Action or a Notice of Allowance. Pursuant to 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees or charge any fee required to keep this application pending to our Deposit Account No. 50-1129.

While the information and references disclosed in this Information Disclosure Statement are submitted pursuant to 37 C.F.R. § 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to is "prior art" to this invention. Applicants reserve the right to contest the "prior art" status of any information submitted or asserted against the application.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. This Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and the Examiner is respectfully requested to consider the listed documents and information.

Dated: May 16, 2002

Respectfully submitted,
WILEY REIN & FIELDING LLP

By: 
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